

PUBLIC INFORMATION RELEASE

UNITED STATES OF AMERICA

v.

Criminal No.

VICTORIA ANN CAUDILL

also known as "VICTORIA ANN CAROSI"

also known as "VICTORIA HUGHES"

An indictment was returned today by the Grand Jury for the United States Court for the Southern District of West Virginia meeting at Charleston charging the above defendant(s) with violation of federal law in connection with bankruptcy fraud.

Pertinent information concerning the defendant is set forth below:

DEFENDANT'S NAME Victoria Ann Caudill AGE 51

ADDRESS Rt. 4, Box 442, Bluefield, WV 24701

MARRIED / X / Yes /    / No Employer (if known)                     

INVESTIGATING AGENCY FBI, U.S. Trustee's office

CHARGES 18 U.S.C. § 152, 18 U.S.C. § 157

POSSIBLE PENALTY 5 years, \$250,0000 fine, 3 years SR

CHARLES T. MILLER  
UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF WEST VIRGINIA

**PLEASE NOTE:** The Fifth Amendment and applicable Federal law gives a criminal defendant a personal right of Indictment by grand jury for Federal crimes punishable by more than one year imprisonment. An Indictment is a formal, written accusation by a grand jury. The defendant may waive the right to an Indictment, and, if waived, a Federal prosecutor may then charge by Information without grand jury involvement. Federal crimes punishable by less than a year imprisonment may be prosecuted by Indictment or by Information.

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON GRAND JURY 2007-02  
NOVEMBER 12, 2008 SESSION

FILED

NOV 12 2008

TERESA L. DEPPNER, CLERK  
U.S. District Court  
Southern District of West Virginia

UNITED STATES OF AMERICA

v.

CRIMINAL NO.

1:08-cr-00242  
18 U.S.C. § 157  
18 U.S.C. § 152

VICTORIA ANN CAUDILL  
also known as "VICTORIA ANN CAROSI"  
also known as "VICTORIA HUGHES"

I N D I C T M E N T

The Grand Jury Charges:

COUNT ONE  
(Bankruptcy Fraud)

Background

1. At all relevant times, defendant VICTORIA ANN CAUDILL was a resident of Bluefield, Mercer County, West Virginia.

2. On or about January 30, 2006, defendant VICTORIA ANN CAUDILL received a \$60,000 settlement involving a workers' compensation claim filed with the Florida Department of Labor and Employment Security (the "Settlement").

3. On or about July 6, 2006, defendant VICTORIA ANN CAUDILL, filed and caused to be filed in the United States Bankruptcy Court for the Southern District of West Virginia ("Bankruptcy Court"), in Charleston, West Virginia, a Voluntary Petition for Bankruptcy (the

"Petition") under Title 11, United States Code, naming herself as the debtor.

#### Scheme to Defraud

4. From in or about January 2006 and continuing through February 2007, defendant VICTORIA ANN CAUDILL did knowingly devise and intend to devise a scheme and artifice to defraud her creditors and the United States Bankruptcy Court ("the scheme").

#### Purpose of the Scheme

5. The purpose of the scheme was to conceal assets of defendant VICTORIA ANN CAUDILL's bankruptcy estate from the bankruptcy trustee so as to deprive her creditors of receiving payment of unsecured claims.

#### Manner and Means of the Scheme

6. It was a part of the scheme that, in approximately February 2006, prior to filing for bankruptcy, defendant VICTORIA ANN CAUDILL transferred the Settlement to a bank account held in the name of a person known to the Grand Jury, for the purpose of concealing the Settlement from her creditors.

7. It was further part of the scheme that defendant VICTORIA ANN CAUDILL failed to disclose the receipt of the Settlement on a certain document that was a part of the Petition, that is, Schedule B, Personal Property of the Debtor.

8. It was further part of the scheme that defendant VICTORIA ANN CAUDILL failed to disclose the transfer of the Settlement on a certain document that was part of the Petition, that is, Item 10 on

Form 7, Statement of Financial Affairs, requiring her to list "all other property, other than property transferred in the ordinary course of business or financial affairs of the debtor, transferred . . . within one year immediately preceding the commencement of this case."

9. . . It was further a part of the scheme that defendant VICTORIA ANN CAUDILL would and did falsely testify under oath at the meeting of the creditors regarding the Settlement and transfer of same.

False Representation in Execution of the Scheme

10. On or about August 4, 2006, in Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, having devised and intending to devise the above-described scheme and artifice to defraud and for the purpose of executing the above-described scheme and artifice to defraud, defendant VICTORIA ANN CAUDILL knowingly made a false and fraudulent representation concerning and in relation to a proceeding under Title 11, United States Code, that is, by testifying falsely under oath at the meeting of the creditors of her bankruptcy estate above by stating that she had no cash or bank accounts and had not otherwise transferred any property, when in truth and in fact, as defendant VICTORIA ANN CAUDILL then well knew, she did receive a settlement of approximately \$60,000 and transferred same to a person known to the Grand Jury.

In violation of Title 18, United States Code, Section 157(3).

**COUNT TWO**  
**(Concealment of Assets)**

1. The Grand Jury re-alleges paragraphs 1 through 9 of Count One of this Indictment as if fully set forth herein.

2. From on or about July 6, 2006 until February 12, 2007, at or near Charleston, Kanawha County, West Virginia, within the Southern District of West Virginia and elsewhere, defendant VICTORIA ANN CAUDILL, in connection with -a pending bankruptcy case under Title 11, United States Code, did knowingly and fraudulently conceal from creditors and the United States Trustee, property belonging to the bankruptcy estate of the debtor, that is, the proceeds from a claim settlement with the Florida Department of Labor and Employment Security.

In violation of Title 18, United States Code, Section 152(1).

**COUNT THREE**  
**(False Declaration in Bankruptcy)**

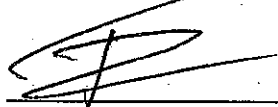
1. The Grand Jury re-alleges paragraphs 1 through 9 of Count One of this Indictment as if fully set forth herein.

2. On or about July 6, 2006, in Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant VICTORIA ANN CAUDILL did knowingly and fraudulently make a materially false declaration, certification, verification, and statement, under penalty of perjury in and in relation to a bankruptcy case under Title 11 of the United States Code, that is, defendant VICTORIA ANN CAUDILL, in Schedule B of her Voluntary Petition for Bankruptcy, and Item 10 of Form 7, Statement of Financial Affairs, did falsely omit the receipt and transfer of a claim settlement with the Florida Department of Labor and Employment Security, when in truth and in fact, as defendant VICTORIA ANN CAUDILL then well knew, she did receive a settlement of approximately \$60,000 and transferred same to a person known to the Grand Jury.

In violation of Title 18, United States Code, Section 152(3).

CHARLES T. MILLER  
United States Attorney

By:

  
\_\_\_\_\_  
THOMAS C. RYAN  
Assistant United States Attorney

PUBLIC INFORMATION RELEASE

UNITED STATES OF AMERICA

v.

CRIMINAL NO. \_\_\_\_\_

42 U.S.C. § 408(a)(4)

42 U.S.C. § 408(a)(7)(B)

18 U.S.C. § 1028A

RAMONA MACK

also known as "Ramona Genine Mack"

also known as "Ramonica Mack"

also known as "Ramona J. Mack"

also known as "Ramona L. Mack"

An indictment was returned today by the Grand Jury for the United States Court for the Southern District of West Virginia meeting at Huntington charging the above defendant with a violation of federal law in connection with defrauding the Social Security Administration.

Pertinent information concerning the defendant is set forth below:

DEFENDANT'S NAME Ramona Mack AGE 38

ADDRESS Winfield, WV

MARRIED //Yes // No Employer (if known) \_\_\_\_\_

INVESTIGATING AGENCY USPIS/SSA

CHARGES 18 U.S.C. 1028A, 42 U.S.C. § 408(a)(4), 42 U.S.C. (a)(7)(B)

POSSIBLE PENALTY 0-5 years, 2 year mandatory minimum sentence.

CHARLES T. MILLER

UNITED STATES ATTORNEY

SOUTHERN DISTRICT OF WEST VIRGINIA

**PLEASE NOTE:** The Fifth Amendment and applicable Federal law gives a criminal defendant a personal right of Indictment by grand jury for Federal crimes punishable by more than one year imprisonment. An Indictment is a formal, written accusation by a grand jury. The defendant may waive the right to an Indictment, and, if waived, a Federal prosecutor may then charge by Information without grand jury involvement. Federal crimes punishable by less than a year imprisonment may be prosecuted by Indictment or by Information.

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON GRAND JURY 2007-02  
NOVEMBER 12, 2008 SESSION

FILED

NOV 12 2008

TERESA L. DEPPNER, CLERK  
U.S. District Court  
Southern District of West Virginia

UNITED STATES OF AMERICA

v.

CRIMINAL NO.

3:08-cr-00239

42 U.S.C. § 408(a)(4)

42 U.S.C. § 408(a)(7)(B)

18 U.S.C. § 1028A

RAMONA MACK

also known as "Ramona Genine Mack"

also known as "Ramonica Mack"

also known as "Ramona J. Mack"

also known as "Ramona L. Mack"

I N D I C T M E N T

COUNT ONE

(Concealment of Income)

Background

1. At all relevant times, beginning in July 1994, defendant RAMONA MACK collected Social Security Administration Disability Insurance Benefits (hereinafter "Disability Insurance Benefits"). The amount of Disability Insurance Benefits to which defendant RAMONA MACK was entitled was based, in part, on her income. As such, defendant RAMONA MACK had a continuing obligation to report to the Social Security Administration (hereinafter "S.S.A.") any work activity.

2. At all relevant times, defendant RAMONA MACK received income from United Talent( from October 1999 to September 2002), Automated Services (from October 2002 to December 2002), Express Services (2002), RGIS Inventory Specialists (from June 2002 to



October 2002), Clerical Help and Manpower (from 2002 to 2003), Syscan Corporation (from November 2003 to January 2004), Amazon.com (from February 2004 to May 2006), Capital City Automobile Auction (from February 2005 to August 2006), and Enterprise Rent-A-Car (from July 2007 to July 2007). She did not report income from the above listed employers to the S.S.A.

3. At all relevant times, defendant RAMONA MACK would not have been entitled to Disability Insurance Benefits had she reported her income to the S.S.A.

Manner and Means for Carrying out the Scheme to Conceal Income

4. It was a part of the scheme that defendant RAMONA MACK, at some date prior to March 11, 2002, used an on-line search for an individual with a similar name as hers. Once she found someone with a similar name whose identity is known to the Grand Jury (hereinafter referred to the "known person"), she went to an on-line business and paid to have a background check conducted on the known person. Upon receiving the results of the background check, defendant RAMONA MACK obtained the social security number corresponding to the known person (xxx-xx-2359).

5. It was further a part of the scheme that defendant RAMONA MACK submitted an application for a replacement social security card corresponding with the social security number assigned to the known person. The replacement card was mailed to defendant RAMONA MACK.

6. It was further a part of the scheme that defendant RAMONA

MACK fraudulently presented the known person's social security number in applying for employment with Amazon.com, Capital City Automobile Auction, and Enterprise Rent-A-Car, in order to conceal such income from the S.S.A. so that she could continue to draw Disability Insurance Benefits.

The Scheme to Conceal Income

7. From in or about October 1999 through in or about July 2007, at or near Scott Depot and Winfield, Putnam County, West Virginia, and within the Southern District of West Virginia and elsewhere, defendant RAMONA MACK, having knowledge of the occurrence of an event affecting her continued right to Disability Insurance Benefits, did knowingly conceal and fail to disclose such event with an intent to secure such Disability Insurance Benefits fraudulently in a greater amount than was due, that is, defendant RAMONA MACK knowingly concealed from and failed to disclose to the S.S.A. the fact that defendant RAMONA MACK received income, which income would have rendered her ineligible to receive Disability Insurance Benefits in the amount previously determined.

8. The amount of Disability Insurance Benefits that defendant RAMONA MACK received and to which she was not entitled was approximately \$62,197.40.

In violation of Title 42, United States Code, Section 408(a)(4).

COUNT TWO  
(Misuse of a Social Security Number)

1. The Grand Jury re-alleges paragraphs one through six of Count One of this Indictment as if fully set forth herein.

2. On or about February 27, 2004, in or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, and for the purpose of obtaining something of value and for other purposes, that is, to obtain employment with Amazon.com- and conceal such employment from S.S.A., defendant RAMONA MACK did knowingly and with intent to deceive, falsely represented to Amazon.com a number(xxx-xx-2359) to be the social security account number assigned to her by the Commissioner of Social Security when, in fact, as she well knew, such number was not the social security account number assigned to her by the Commissioner of Social Security.

In violation of Title 42, United States Code, Section 408(a)(7)(B).

**COUNT THREE**  
**(Aggravated Identity Theft)**

1. The Grand Jury hereby repeats and re-alleges the allegations found in paragraphs one through six of Count One of this Indictment as if fully set forth herein in their entirety.

2. On or about February 27, 2004, at or near Huntington, Cabell County, West Virginia and elsewhere, and within the Southern District of West Virginia, defendant RAMONA MACK did knowingly use, without lawful authority, the means of identification of another person, that is, a social security number assigned to the known person, during and in relation to a violation of 42 U.S.C. § 408 (a) (4), concealment of income from S.S.A.

In violation of Title 18, United States Code, Section 1028A.

**COUNT FOUR**  
**(Misuse of a Social Security Number)**

1. The Grand Jury re-alleges paragraphs one through six of Count One of this Indictment as if fully set forth herein.

2. On or about January 24, 2005, in or near St. Albans, Kanawha County, West Virginia, and within the Southern District of West Virginia, and for the purpose of obtaining something of value, and for other purposes, that is, to obtain employment with Capital City Automobile Auction and conceal such employment from S.S.A., defendant RAMONA MACK did knowingly, and with intent to deceive, falsely represented to Capital City Automobile Auction, a number (xxx-xx-2359) to be the social security account number assigned to her by the Commissioner of Social Security when, in fact, as she well knew, such number was not the social security account number assigned to her by the Commissioner of Social Security.

In violation of Title 42, United States Code, Section 408(a)(7)(B).

**COUNT FIVE**  
**(Aggravated Identity Theft)**

1. The Grand Jury re-alleges paragraphs one through six of Count One of this Indictment as if fully set forth herein.

2. On or about January 24, 2005, at or near St. Albans, Kanawha County, West Virginia and elsewhere, and within the Southern District of West Virginia, defendant RAMONA MACK did knowingly use, without lawful authority, the means of identification of another person, that is, the social security number assigned to the known person, during and in relation to a violation of 42 U.S.C. § 408 (a) (4), concealment of income from S.S.A.

In violation of Title 18, United States Code, Section 1028A.

COUNT SIX  
(Misuse of a Social Security Number)

1. The Grand Jury re-alleges paragraphs one through six of Count One of this Indictment as if fully set forth herein.

2. On or about May 24, 2007, at or near Hurricane, Putnam County, West Virginia, and within the Southern District of West Virginia, and for the purpose of obtaining something of value, and for other purposes, that is, to obtain employment with Enterprise Rent-A-Car and to conceal such employment from S.S.A., defendant RAMONA MACK did knowingly and with intent to deceive, falsely represented to Enterprise Rent-A-Car a number (xxx-xx-2359) to be the social security account number assigned to her by the Commissioner of Social Security when, in fact, as she well knew, such number was not the social security account number assigned to her by the Commissioner of Social Security.

In violation of Title 42, United States Code, Section 408(a)(7)(B).

COUNT SEVEN  
(Aggravated Identity Theft)

1. The Grand Jury re-alleges paragraphs one through six of Count One of this Indictment as if fully set forth herein.

2. On or about May 24, 2007, at or near Hurricane, Putnam County, West Virginia and elsewhere, and within the Southern District of West Virginia, defendant RAMONA MACK did knowingly use without lawful authority, the means of identification of another person, that is, the social security number assigned to the known person, during and in relation to a violation of 42 U.S.C. § 408 (a)(4), concealment of income from the S.S.A.

In violation of Title 18, United States Code, Section 1028A.

CHARLES T. MILLER  
United States Attorney

By: Erik S. Goes  
ERIK S. GOES  
Assistant United States Attorney



PUBLIC INFORMATION RELEASE

UNITED STATES OF AMERICA

v.

Criminal No.

JENNIFER MICHELLE LONGWELL

An indictment was returned today by the Grand Jury for the United States Court for the Southern District of West Virginia meeting at Charleston charging the above defendant(s) with violation of federal law in connection with bankruptcy fraud.

Pertinent information concerning the defendant is set forth below:

DEFENDANT'S NAME Jennifer Longwell AGE 38

ADDRESS 809 Highland Ave., Williamstown WV

MARRIED /Yes /X/ No Employer (if known) \_\_\_\_\_

INVESTIGATING AGENCY FBI, U.S. Trustee's Office

CHARGES 18 U.S.C. § 152

POSSIBLE PENALTY 5 years, \$250,000 fine, 3 years SR

CHARLES T. MILLER  
UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF WEST VIRGINIA

**PLEASE NOTE:** The Fifth Amendment and applicable Federal law gives a criminal defendant a personal right of Indictment by grand jury for Federal crimes punishable by more than one year imprisonment. An Indictment is a formal, written accusation by a grand jury. The defendant may waive the right to an Indictment, and, if waived, a Federal prosecutor may then charge by Information without grand jury involvement. Federal crimes punishable by less than a year imprisonment may be prosecuted by Indictment or by Information.

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON GRAND JURY 2007-02  
NOVEMBER 12, 2008 SESSION

FILED

NOV 12 2008

TERESA L. DEPPNER, CLERK  
U.S. District Court  
Southern District of West Virginia

UNITED STATES OF AMERICA

v.

CRIMINAL NO.

6:08-cr-00243  
18 U.S.C. § 152

JENNIFER MICHELLE LONGWELL  
also known as "JENNIFER MICHELLE HUGHART"

I N D I C T M E N T

The Grand Jury Charges:

COUNT ONE  
(Concealment of Assets)

From on or about February 25, 2005 until March 3, 2006, at or near Parkersburg, Wood County, and Charleston, Kanawha County, West Virginia, defendant JENNIFER MICHELLE LONGWELL, in connection with a pending bankruptcy case under Title 11, United States Code, did knowingly and fraudulently conceal from her creditors and the United States Trustee, property belonging to the bankruptcy estate of the debtor, that is, proceeds from the sale of properties known as 500 West 4th Street, Williamstown, Wood County, West Virginia and 1205 Mary Street, Parkersburg, Wood County, West Virginia.

In violation of Title 18, United States Code, Section 152(1).

COUNT TWO  
(False Statement in Bankruptcy)

1. On or about April 5, 2005, in or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant JENNIFER MICHELLE LONGWELL did knowingly and fraudulently make a material false oath and account, in and in relation to a bankruptcy case under Title 11 of the United States Code, that is, defendant JENNIFER MICHELLE LONGWELL, did falsely testify in-response to questions of the bankruptcy trustee at the meeting of creditors regarding the receipt of proceeds from the sale of a property known as 500 West 4th Street, Williamstown, Wood County by claiming she only received approximately \$20,000 from the sale.

2. In truth and in fact, as defendant JENNIFER MICHELLE LONGWELL then well knew, she received approximately \$69,000 at the closing and concealed the true amount of the proceeds from the bankruptcy trustee.

In violation of Title 18, United States Code, Section 152(2).

COUNT THREE  
(False Statement in Bankruptcy)

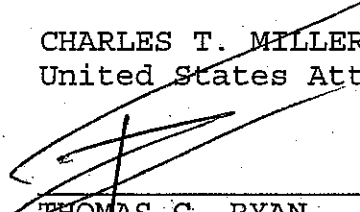
1. On or about April 5, 2005, in or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant JENNIFER MICHELLE LONGWELL did knowingly and fraudulently make a material false oath and account, in and in relation to a bankruptcy case under Title 11 of the United States Code, that is, defendant JENNIFER MICHELLE LONGWELL, did falsely testify in response to questions of the bankruptcy trustee at the meeting of creditors regarding the sale and receipt of proceeds from the sale of a property known as 1205 Mary Street, Parkersburg, Wood County, West Virginia by stating that she had not yet decided whether to sell the property and later stating that she intended to keep it, thus indicating that she still owned the property.

2. In truth and in fact, as defendant JENNIFER MICHELLE LONGWELL then well knew, she had already transferred and sold the property the previous day, on April 4, 2005.

In violation of Title 18, United States Code, Section 152(2).

CHARLES T. MILLER  
United States Attorney

By:

  
THOMAS C. RYAN  
Assistant United States Attorney

PUBLIC INFORMATION RELEASE

UNITED STATES OF AMERICA

v.

Criminal No.

CLINTON LEE SMITH

An indictment was returned today by the Grand Jury for the United States Court for the Southern District of West Virginia meeting at Charleston charging the above defendant(s) with violation of federal law in connection with Bankruptcy Fraud.

Pertinent information concerning the defendant is set forth below:

DEFENDANT'S NAME Clinton Lee Smith AGE 62

ADDRESS Huntington, WV

MARRIED /\_\_\_/Yes /\_X\_/No Employer (if known) \_\_\_\_\_

INVESTIGATING AGENCY FBI, US Trustee's Office

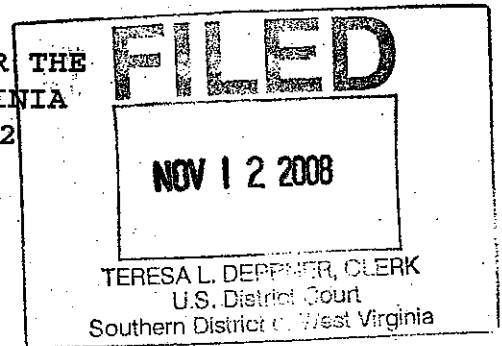
CHARGES 18 U.S.C. § 152, 18 U.S.C. § 157

POSSIBLE PENALTY 5 years, \$250,000 fine, 3 years SR

CHARLES T. MILLER  
UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF WEST VIRGINIA

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UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON GRAND JURY 2007-02  
NOVEMBER 12, 2008 SESSION



UNITED STATES OF AMERICA

v.

CRIMINAL NO.

3:08-cr-00240

18 U.S.C. § 157

18 U.S.C. § 152

CLINTON LEE SMITH

I N D I C T M E N T

The Grand Jury Charges:

COUNT ONE  
(Bankruptcy Fraud)

Background

1. At all relevant times, defendant CLINTON LEE SMITH was a resident of Huntington, Cabell County, West Virginia.
2. On or about July 11, 1977, defendant CLINTON LEE SMITH and his then-wife purchased approximately fifty (50) acres in Cabell County, West Virginia (the "Fifty Acres").
3. On or about January 11, 2000, defendant CLINTON LEE SMITH and his wife divorced, docketed as Smith v. Smith, Civil Action No. 99-D-1005, Family Court of Cabell County, West Virginia. As part of that divorce, the couple entered into a property settlement agreement, which provided that the Fifty Acres was to be continued to be owned jointly.

4. On or about January 14, 2003, defendant CLINTON LEE SMITH and his ex-wife sold the Fifty Acres to a person known to the Grand Jury for approximately \$207,501.

5. As a result of that sale, defendant's ex-wife received approximately \$103,000 in cash and defendant CLINTON LEE SMITH received approximately \$11,000 in cash and a promissory note and deed of trust in his favor for approximately \$92,000. Pursuant to the terms of the note and deed of trust, defendant CLINTON LEE SMITH was to receive monthly payments of \$2,000 beginning February 2003 until paid in full.

6. On or about December 19, 2003, defendant CLINTON LEE SMITH signed a Voluntary Petition for Bankruptcy (the "Petition") in the Bankruptcy Court for the United States District Court for the Southern District of West Virginia ("Bankruptcy Court") under Title 11, United States Code, naming himself as debtor. Defendant CLINTON LEE SMITH filed and caused to be filed said Petition in the Bankruptcy Court on or about December 23, 2003.

#### Scheme to Defraud

7. From on or about December 19, 2003 until on or about March 30, 2004, defendant CLINTON LEE SMITH did knowingly devise and intend to devise a scheme and artifice to defraud his creditors and the United States Bankruptcy Court ("the scheme").

#### Purpose of the Scheme

8. The purpose of the scheme was to conceal assets and income of defendant CLINTON LEE SMITH's bankruptcy estate from the

bankruptcy trustee so as to deprive his creditors of receiving payment for unsecured claims.

Manner and Means of the Scheme

9. It was a part of the scheme that in December 2003 defendant CLINTON LEE SMITH would and did fail to disclose the receipt of proceeds from the sale of the Fifty Acres in Schedule I of the Petition, Schedule of Current Income of Individual Debtor, requiring him to list all "income from real property."

10. It was further part of the scheme that in December 2003 defendant CLINTON LEE SMITH would and did fail to disclose the sale of the Fifty Acres on Form 7, Statement of Financial Affairs, attached to his Petition, requiring him to list "all other property, other than property transferred in the ordinary course of business or financial affairs of the debtor, transferred . . . within one year immediately preceding the commencement of this case."

11. It was further part of the scheme that defendant CLINTON LEE SMITH would and did falsely testify under oath at the meeting of creditors regarding the sale and receipt of proceeds from the sale of the Fifty Acres.

False Representation in Execution of the Scheme

12. On or about February 6, 2004, in Charleston, Kanawha County, West Virginia, in the Southern District of West Virginia, having devised and intending to devise the above-described scheme and artifice to defraud and for the purpose of executing the above-



described scheme and artifice to defraud, defendant CLINTON LEE SMITH knowingly made a false and fraudulent representation concerning and in relation to a proceeding under Title 11, United States Code, that is, by testifying falsely under oath at the meeting of creditors by stating the following:

Q: And did you include all of your assets and all of your debts in your bankruptcy papers?

A: Yes.

Q: And did you correctly state your income and your expenses?

A: Yes.

\* \* \*

Q: And on those loan applications, you also indicated that you owned fifty acres of real estate valued at \$150,000. Where is the fifty-eight acres located?

A: Barboursville.

Q: And did you own that land in 2001?

A: Yes.

Q: And do you still own the land?

A: No, my wife owns it.

when in truth and in fact, as defendant well knew, he sold the Fifty Acres to a person known to the Grand Jury and received, and was continuing to receive, proceeds from the sale of the Fifty Acres.

In violation of Title 18, United States Code, Section 157(3).

**COUNT TWO**  
**(Concealment of Assets)**

1. The Grand Jury re-alleges paragraphs 1 through 11 of Count One of this Indictment as if fully set forth herein.

2. From on or about December 19, 2003 until on or about March 30, 2004, at or near Charleston, Kanawha County, West Virginia in the Southern District of West Virginia, defendant CLINTON LEE SMITH, in connection with a pending bankruptcy case under Title 11, United States Code, did knowingly and fraudulently conceal from creditors and the United States Trustee property belonging to the bankruptcy estate of the debtor, that is, the proceeds payable to him as a result of the sale of the Fifty Acres.

In violation of Title 18, United States Code, Section 152(1).

**COUNT THREE**  
**(False Declaration in Bankruptcy)**

1. The Grand Jury re-alleges paragraphs 1 through 11 of Count One of this Indictment as if fully set forth herein.

2. On or about December 19, 2003, in or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant CLINTON LEE SMITH did knowingly and fraudulently make a materially false declaration, certification, verification, and statement, under penalty of perjury, in and in relation to a bankruptcy case under Title 11 of the United States Code, that is, defendant CLINTON LEE SMITH, in the Statement of Financial of Affairs and Schedule I of his Voluntary Petition for Bankruptcy, did falsely omit the sale and receipt of proceeds from the sale of the Fifty Acres, when in truth and in fact, as defendant CLINTON LEE SMITH then well knew, he did sell the Fifty Acres within a year of filing his Petition and received, and was continuing to receive, proceeds as a result of that sale.

In violation of Title 18, United States Code, Section 152(3).

CHARLES T. MILLER  
United States Attorney

By: \_\_\_\_\_

THOMAS C. RYAN  
Assistant United States Attorney